
By: **Delegates Niemann, Gutierrez, Holmes, Kelley, Parker, Ramirez, Sossi,
Vallario, and Vaughn**

Introduced and read first time: February 7, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Driving While License Refused, Suspended, Canceled, or**
3 **Revoked - Penalty**

4 FOR the purpose of altering certain provisions relating to driving a motor vehicle
5 while a license or privilege to drive issued by this State or any other state is
6 refused, suspended, canceled, or revoked; establishing that a certain offense is
7 not a moving violation for purposes of assessing certain points; providing that in
8 a certain prosecution certain records shall be prima facie evidence of certain
9 facts; providing that the introduction of certain records does not preclude the
10 introduction of certain other evidence; altering certain penalties for certain
11 offenses relating to driving a motor vehicle while a license or privilege to drive
12 issued by this State or any other state has been refused, suspended, canceled, or
13 revoked; making certain technical corrections; providing for the effective date of
14 certain provisions of this Act; providing for the termination of certain provisions
15 of this Act; and generally relating to driving while a license or privilege to drive
16 has been refused, suspended, canceled, or revoked.

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 16-303, 16-404(c)(2), 16-404.1(b)(3) and (4), and 27-101(c) and (h)
20 Annotated Code of Maryland
21 (2002 Replacement Volume)

22 BY repealing
23 Article - Transportation
24 Section 16-402(a)(11) and (30)
25 Annotated Code of Maryland
26 (2002 Replacement Volume)

27 BY repealing and reenacting, with amendments,
28 Article - Transportation
29 Section 27-101(h)
30 Annotated Code of Maryland

1 (2002 Replacement Volume)
2 (As enacted by Chapter 505 of the Acts of the General Assembly of 2000)

3 BY adding to
4 Article - Transportation
5 Section 27-101(w)
6 Annotated Code of Maryland
7 (2002 Replacement Volume)

8 BY renumbering
9 Article - Transportation
10 Section 16-402(a)(12) through (29) and (31) through (37), respectively
11 to be Section 16-402(a)(11) through (28) and (29) through (35), respectively
12 Annotated Code of Maryland
13 (2002 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Transportation**

17 16-303.

18 (a) A person may not drive a motor vehicle on any highway or on any property
19 specified in § 21-101.1 of this article while the person's license or privilege to drive is
20 refused [in this State or any other state], SUSPENDED, CANCELED, OR REVOKED IN
21 THIS STATE.

22 (b) [A person may not drive a motor vehicle on any highway or on any
23 property specified in § 21-101.1 of this article while the person's license or privilege to
24 drive is canceled in this State.

25 (c) A person may not drive a motor vehicle on any highway or on any property
26 specified in § 21-101.1 of this article while the person's license or privilege to drive is
27 suspended in this State.

28 (d) A person may not drive a motor vehicle on any highway or on any property
29 specified in § 21-101.1 of this article while the person's license or privilege to drive is
30 revoked in this State.

31 (e)] A person may not drive a motor vehicle on any highway or on any property
32 specified in § 21-101.1 of this article while the person's license issued by any other
33 state is REFUSED, SUSPENDED, canceled, OR REVOKED.

34 [(f) A person may not drive a motor vehicle on any highway or on any property
35 specified in § 21-101.1 of this article while the person's license issued by any other
36 state is suspended.

1 (g) A person may not drive a motor vehicle on any highway or on any property
2 specified in § 21-101.1 of this article while the person's license issued by any other
3 state is revoked.

4 (h) A person may not drive a motor vehicle on any highway or on any property
5 specified in § 21-101.1 of this article while the person's license or privilege to drive is
6 suspended under § 17-106, § 26-204, § 26-206, or § 27-103 of this article.

7 (i) (1) This subsection applies only to a person whose license or privilege to
8 drive is suspended under the traffic laws or regulations of another state for:

9 (i) Failure to comply with a notice to appear in a court of that state
10 contained in a traffic citation issued to the person; or

11 (ii) Failure to pay a fine for a violation of any traffic laws or
12 regulations of that state.

13 (2) A person may not drive a motor vehicle on any highway or on any
14 property specified in § 21-101.1 of this article while the person's license or privilege to
15 drive is suspended under the traffic laws or regulations of any other state as
16 described in paragraph (1) of this subsection.

17 (j) (1) Except as provided in paragraph (2) of this subsection, any individual
18 who violates a provision of this section shall be assessed the points as provided for in
19 § 16-402(a)(30) of this title.

20 (2) Any individual who violates a provision of subsection (h) or
21 subsection (i) of this section shall be assessed the points as provided for in § 16-402(a)
22 (11) of this title.]

23 (C) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR
24 PURPOSES OF ASSESSING POINTS UNDER § 16-402 OF THIS TITLE.

25 (D) (1) IN ANY PROSECUTION UNDER THIS SECTION THE INTRODUCTION OF
26 THE OFFICIAL RECORDS OF THE ADMINISTRATION AS PROVIDED IN § 12-113 OF THIS
27 ARTICLE SHOWING A NOTATION IN THE RECORDS THAT NOTICE OF THE REFUSAL,
28 SUSPENSION, CANCELLATION, OR REVOCATION OF A DEFENDANT'S LICENSE OR
29 PRIVILEGE TO DRIVE WAS SENT TO THE LAST KNOWN ADDRESS OF THE DEFENDANT
30 SHALL BE PRIMA FACIE EVIDENCE THAT THE DEFENDANT KNOWS OR HAS REASON
31 TO KNOW THAT THE LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED,
32 SUSPENDED, CANCELED, OR REVOKED IN THIS STATE OR ANY OTHER STATE.

33 (2) THE INTRODUCTION OF EVIDENCE OF THE RECORDS OF THE
34 ADMINISTRATION MAY NOT LIMIT THE INTRODUCTION OF OTHER EVIDENCE
35 BEARING UPON WHETHER THE DEFENDANT KNOWS OR HAS REASON TO KNOW THAT
36 THE DEFENDANT'S LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED,
37 SUSPENDED, CANCELED, OR REVOKED.

1 16-402.

2 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
3 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of
4 this State or of any local authority, points shall be assessed against the individual as
5 of the date of violation and as follows:

6 [(11) Driving after suspension of license under the provisions of § 17-106,
7 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations
8 of another state as described in § 16-303(i) of this title 3 points]

9 [(30) Driving after refusal, suspension, cancellation, or revocation of
10 license except for suspensions of license under the provisions of § 17-106, § 26-204, §
11 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another
12 state as described in § 16-303(i) of this title 12 points]

13 16-404.

14 (c) (2) Subject to the provisions of paragraph (3) of this subsection, the
15 following suspension periods may apply to a suspension for an accumulation of points
16 under [§ 16-402(a)(24)] § 16-402(A)(23) of this subtitle for a violation of § 21-902(b) or
17 (c) of this article or a suspension imposed under § 16-404.1(b)(4)(iii) of this subtitle:

18 (i) For a first conviction, not more than 6 months;

19 (ii) For a second conviction at least 5 years after the date of the
20 first conviction, not more than 9 months;

21 (iii) For a second conviction less than 5 years after the date of the
22 first conviction or for a third conviction, not more than 12 months; and

23 (iv) For a fourth or subsequent conviction, not more than 24
24 months.

25 16-404.1.

26 (b) (3) An individual may be a participant if:

27 (i) The individual's license is suspended or revoked for a violation
28 of § 21-902(a), (b), or (c) of this article or an accumulation of points under [§
29 16-402(a)(24) or (33)] § 16-402(A)(23) OR (31) of this subtitle;

30 (ii) The individual is ordered to participate in the Program by a
31 court under § 27-107 of this article;

32 (iii) The individual's license has an alcohol restriction imposed
33 under § 16-113(b) or (g) of this title; or

34 (iv) The Administration modifies a suspension or issues a restricted
35 license to the individual under § 16-205.1(n)(2) or (4) of this title.

1 (4) The Administration may:

2 (i) Issue a restrictive license to an individual who is a participant
3 in the Program during the suspension period as provided under § 16-404(c)(3) of this
4 subtitle;

5 (ii) Reinstate the driver's license of a participant whose license has
6 been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for an
7 accumulation of points under [§ 16-402(a)(33)] § 16-402(A)(31) of this subtitle for a
8 violation of § 21-902(a) of this article; and

9 (iii) Notwithstanding any other provision of law, impose on a
10 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this
11 subtitle in lieu of a license revocation for:

12 1. A violation of § 21-902(a), (b), or (c) of this article; or

13 2. An accumulation of points under [§ 16-402(a)(33)] §
14 16-402(A)(31) of this subtitle for a violation of § 21-902(a) of this article.

15 27-101.

16 (c) Any person who is convicted of a violation of any of the provisions of the
17 following sections of this article is subject to a fine of not more than \$500 or
18 imprisonment for not more than 2 months or both:

19 (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and
20 misrepresentation prohibited");

21 (2) § 14-102 ("Taking or driving vehicle without consent of owner");

22 (3) § 14-104 ("Damaging or tampering with vehicle");

23 (4) § 14-107 ("Removed, falsified, or unauthorized identification number
24 or registration card or plate");

25 (5) § 14-110 ("Altered or forged documents and plates");

26 (6) § 15-312 ("Dealers: Prohibited acts - Vehicle sales transactions");

27 (7) § 15-313 ("Dealers: Prohibited acts - Advertising practices");

28 (8) § 15-314 ("Dealers: Prohibited acts - Violation of licensing laws");

29 (9) § 15-411 ("Vehicle salesmen: Prohibited acts");

30 (10) § 15-502(c) ("Storage of certain vehicles by unlicensed persons
31 prohibited");

32 (11) § 16-113(j) ("Violation of alcohol restriction ordered by a court");

- 1 (12) § 16-301 ("Unlawful application for or use of license");
- 2 (13) [§ 16-303(h) ("Licenses suspended under certain provisions of
3 Code");
- 4 (14) § 16-303(i) ("Licenses suspended under certain provisions of the
5 traffic laws or regulations of another state");
- 6 (15) § 18-106 ("Unauthorized use of rented motor vehicle");
- 7 [(16)] (14) § 20-103 ("Driver to remain at scene - Accidents resulting only
8 in damage to attended vehicle or property");
- 9 [(17)] (15) § 20-104 ("Duty to give information and render aid");
- 10 [(18)] (16) § 20-105 ("Duty on striking unattended vehicle or other
11 property");
- 12 [(19)] (17) § 20-108 ("False reports prohibited");
- 13 [(20)] (18) § 21-206 ("Interference with traffic control devices or railroad
14 signs and signals");
- 15 [(21)] (19) As to a pedestrian in a marked crosswalk, § 21-502(a)
16 ("Pedestrians' right-of-way in crosswalks: In general");
- 17 [(22)] (20) As to another vehicle stopped at a marked crosswalk, §
18 21-502(c) ("Passing of vehicle stopped for pedestrian prohibited");
- 19 [(23)] (21) Except as provided in subsections (f) and (q) of this section, §
20 21-902(b) ("Driving while impaired by alcohol");
- 21 [(24)] (22) Except as provided in subsections (f) and (q) of this section, §
22 21-902(c) ("Driving while impaired by drugs or drugs and alcohol");
- 23 [(25)] (23) Except as provided in subsections (f) and (q) of this section, §
24 21-902(d) ("Driving while impaired by controlled dangerous substance"); or
- 25 [(26)] (24) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock
26 systems").
- 27 (W) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-303 OF THIS
28 ARTICLE IS SUBJECT TO:
- 29 (1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500 OR
30 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH;
- 31 (2) FOR A SECOND OFFENSE, A FINE OF NOT MORE THAN \$1,000 OR
32 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH; AND

1 (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN
2 \$2,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
4 read as follows:

5 **Article - Transportation**

6 27-101.

7 (h) Any person who is convicted of a violation of any of the provisions of [§
8 16-303(a), (b), (c), (d), (e), (f), or (g) of this article ("Driving while license is canceled,
9 suspended, refused, or revoked"),] § 17-107 of this article ("Prohibitions"),] or §
10 17-110 of this article ("Providing false evidence of required security") is subject to:

11 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
12 for not more than 1 year, or both; and

13 (2) For any subsequent offense, a fine of not more than \$1,000, or
14 imprisonment for not more than 2 years, or both.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article - Transportation**

18 27-101.

19 (h) Any person who is convicted of a violation of any of the provisions of §
20 15-502(a) of this article ("License required"), [§ 16-303(a), (b), (c), (d), (e), (f), or (g) of
21 this article ("Driving while license is canceled, suspended, refused, or revoked"),] §
22 17-107 of this article ("Prohibitions"), or § 17-110 of this article ("Providing false
23 evidence of required security") is subject to:

24 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
25 for not more than 1 year, or both; and

26 (2) For any subsequent offense, a fine of not more than \$1,000, or
27 imprisonment for not more than 2 years, or both.

28 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 16-402(a)(12)
29 through (29) and (31) through (37), respectively, of Article - Transportation of the
30 Annotated Code of Maryland be renumbered to be Section(s) 16-402(a)(11) through
31 (28) and (29) through (35), respectively.

32 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
33 take effect on the taking effect of the termination provision specified in Section 2 of
34 Chapter 505 of the Acts of the General Assembly of 2000. If that termination provision
35 takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.
36 This Act may not be interpreted to have any effect on that termination provision.

1 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
2 of Section 5 of this Act, this Act shall take effect October 1, 2003.